

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

KIMBERLY CHRISTOPHERSON,  
Plaintiff,

v

No.: 16-0957 SCY-KBM

STATE FARM INSURANCE,  
Defendant.

**PLAINTIFF'S MOTION FOR REMAND  
AND STIPULATION DAMAGES \$74,999 OR LESS**

COMES NOW Plaintiff, by and through counsel Victor A Titus, and hereby seeks the remand of this case to State Court, and for grounds therefore states:

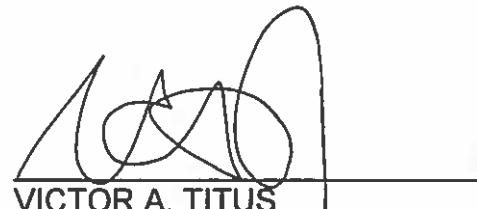
1. Federal courts are empowered to hear those cases in which federal question jurisdiction lies, or in the alternative, where there is complete diversity among the parties and the amount in controversy exceeds \$75,000.00 28 USC §1441 through 1452.
2. The issue herein is whether the \$50,000.00 in underinsured motorist coverage is payable under an automobile policy sold by Defendant State Farm Insurance to Plaintiff Kimberly Christopherson.
3. The issue is one of law, and not of fact, primarily on whether offset under applicable law for \$50,000 received from the tortfeasor offsets the \$50,000 in UIM or not.
4. The other counts request attorney fees and costs and statutory penalties under the insurance code for the bringing of the action.
5. Wiatt v. State Farm, 560 F Supp 2d 1068, 1075 (P.N.M. 2007) allows “aggregate actual damages, punitive damages, attorney’s fees and statutorily imposed penalties” when determining whether the jurisdictional amount is satisfied”
6. Plaintiff stipulates that she is not seeking more \$74,999 for all claims and damages, including claims for underinsured motorist benefits, contractual and extra-contractual damages, “bad faith” claims , statutory claims and damages,

fees, and costs, and any and all other claims in this matter.

7. Counsel for Defendants has been contacted and does not object to this Motion and Stipulation.

WHEREFORE Plaintiff requests the Federal Court quash the remand and remand this case to the District Court it was removed from.

TITUS & MURPHY LAW FIRM



VICTOR A. TITUS  
Attorney for Plaintiff  
2021 E. 20th  
Farmington, NM 87401  
(505) 326-6503

I hereby certify that a true and correct copy of the foregoing document was mailed to all parties this 14 day of Sept, 2016

xc: File, Client, Opposing,